

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WALKER TIMOTHY SCHOONOVER,

Petitioner,

v.

CV 11-1076 JB/LAM

JOSEPH J. GARCIA, et al.,

Respondents.

**ORDER GRANTING MOTION TO SUPPLEMENT PETITION AND
RESETTING ANSWER DEADLINE**

THIS MATTER is before the Court on Respondents' motion requesting that Petitioner supplement his Petition and that the Court reset the date Respondents' answer is due [*Doc. 6*], filed December 28, 2011. Respondents state that Petitioner's Section 2254 Petition [*Doc. 1*] appears to be missing pages six through nine, which includes the claims Petitioner seeks to raise. [*Doc. 6* at 2]. The Court agrees and, therefore, will order Petitioner to supplement his Section 2254 Petition to include the claims he seeks to raise **within twenty-one (21) days of the entry of this order**. Respondents' answer will be due **thirty (30) days after receipt of the supplemented Petition**.

IT IS THEREFORE ORDERED that Petitioner shall supplement his Section 2254 Petition to include the claims he seeks to raise **within twenty-one (21) days of the entry of this order**;

IT IS FURTHER ORDERED that Respondent's answer will be due **thirty (30) days after receipt of the supplemented Petition**. Respondents' answer shall advise, but is not limited to, whether the Petitioner has exhausted his state court remedies as to the issues raised in the federal petition. In each case, Respondents shall attach to its answer copies of any pleading pertinent to the

issue of exhaustion which was filed by Petitioner in the sentencing court, the state district court, the state court of appeals and the state supreme court, together with copies of all memoranda filed by both parties in support of or in response to those pleadings. Respondents shall also attach to the answer copies of all state court findings and conclusions, docketing statements, and opinions issued in Petitioner's state court post-conviction or appellate proceedings. In the event Respondents deny exhaustion, Respondents shall identify the State procedures currently available to Petitioner given the nature of Petitioner's claims and their procedural history.

IT IS SO ORDERED.



LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE